

HB 590 Benedict

DIGEST: This bill prohibits a licensing authority from suspending, revoking, or denying an occupational license to a person with a prior conviction unless the crime directly relates to the occupation. A person convicted of a crime which relates to the occupation must be licensed if he/she shows sufficient rehabilitation and fitness for the occupation. The bill also sets notification and appeal procedures for ex-offenders who are denied licenses.

REASONS FOR VETO: The bill had "good intentions" but it allowed licensing even where the crime was directly related to the occupation, if the person had been rehabilitated. The criteria for rehabilitation were so low that practically every released criminal could qualify. Under the bill, former criminals could be licensed for any occupation, including law enforcement. The safeguards are so poorly drawn that they jeopardize one of the main reasons for having licensing programs.

REACTION: Representative Benedict was "sick about" the veto. He said that the Governor's office had promised to contact him if it had any trouble with the bill, but broke this promise.

According to Rep. Benedict, the Governor's reasons for the veto "make it obvious he hasn't even read" the bill. The veto appears to say that TDC's rehabilitation program is "worthless and a big waste of money." TDC has programs that train persons for certain occupations; without a state license, this training can't be used. TDC supported this bill.

Representative Benedict indicated that he would try to get a bill like this passed again next session.

COMMENTARY: Governor Briscoe vetoed a similar bill in 1977.

HB 595 Donaldson

DIGEST: HB 595 provided that the state and each unit of government would be liable on their written contracts in the same manner and to the same extent as private corporations. The bill also abolished the state's defense of sovereign immunity from suit based on written contracts, and expressly granted permission for all claimants to bring suit against the state and all other units of government for claims based on contracts.

REASONS FOR VETO: The Governor's primary concern over the bill was that the Legislature had not given the bill sufficient consideration to enact legislation that potentially restricts the state and local units of government in their contractual rights.

REACTION: The author was obviously disappointed with the Governor's action, but indicated he would re-draft the bill to try and meet some of the Governor's objections. The reason for the bill is that people with contract disputes with the state must now wait up to 18 months (until the next session) to get the

HB 595 continued

Legislature's permission to sue the state. This is not only a waste of time but is also grossly unfair to contractors, since the state has the right to sue on a contract at any time.

HB 635 Uribe

- DIGEST: This bill requires the Board of Health to appoint a lay midwifery board which would establish qualifications for lay midwifery training instructors, issue a training manual, and issue a final examination for the course. Persons taking this course and passing the final exam would receive a letter of completion.
- REASONS FOR VETO: The bill had "noble purposes," but it was questionable whether the "public would be protected one bit." All the bill would do is allow some midwives to pass themselves off as professionals. State recognition of midwifery would give credibility to a group that may or may not have credibility. The public would have no way of knowing whether midwives were state-sanctioned because the procedure was "voluntary."
- REACTION: Representative Uribe was "surprised and disappointed" about the veto. He said it shows the Governor is insensitive and misinformed about the health care needs of the citizens of this state, especially those who cannot afford expensive health care.

The author said that the veto message "shows that he did not read the bill." The bill would not have given state sanctioning to lay midwives; the disclosure requirements would guarantee that the public was informed. Finally, not all parts of the bill were optional; some, like the restrictions on what midwives could do and what they had to disclose to their patients, were mandatory.

Representative Uribe also criticized the way the Governor handled the veto. The Governor never called to say he had any problems with the bill; if he had, the misunderstandings could have been corrected. The Governor did not even have the courtesy to tell the author that he had vetoed the bill; Representative Uribe found out two days later. The Governor handled the whole situation poorly.